

Congress of the United States
Washington, DC 20515

November 18, 2020

The Honorable Ryan D. McCarthy
Secretary of the Army
101 Army Pentagon, Room 3E700
Washington, D.C. 20310-0101

The Honorable Barbara M. Barrett
Secretary of the Air Force
1160 Air Force Pentagon,
Washington, D.C. 203330

Dear Secretary McCarthy and Secretary Barrett:

We write today out of concern for the men and women of the National Guard who have experienced unacceptable delays to their well-earned promotions and request information regarding how these delays are being addressed and how the Army is implementing new authority granted to it.

As you know, soldiers and airmen and women in the National Guard are unique in that their promotion or appointment to a higher rank must be recognized by both the state and federal government. This requirement can cause significant delays as newly-promoted officers await federal recognition.

The Guard is also unique in that it conducts “unit vacancy promotions,” in which an officer is promoted into a specific open position at a higher rank. As a result, delays in federal recognition can have particularly negative consequences. Guard officers acting in a more senior role while waiting for their promotion to be federally recognized do not receive commensurate pay and benefits. Delays impact time in grade, or can result in officers being evaluated in lesser positions than they are qualified to perform. Guard officers may also be passed up for additional responsibility, such as command, when working hand-in-hand with their active duty counterparts on a federal mission.

While thorough review is important and worthwhile, the scrolling process has become redundant and overly bureaucratic. Current Army policy is to publish scrolls within 195 days of receipt, while the Air Force policy is 180 days. But when the National Guard Association of the United States (NGAUS) conducted an informal survey of its membership in 2017, it found that nearly half of respondents reported that the time elapsed between when their state promotion order was published and the date of federal recognition was greater than 195 days, with many waiting over a year to receive recognition.

In 2018, Senators Warren and Daines introduced the *National Guard Promotion Accountability Act* to address these delays. A modified version of that bill was included in the Fiscal Year 2019 National Defense Authorization Act (P.L. 115-232). Section 518 granted the Secretaries of the Army and Air Force the authority to allow a Guard officer's date of rank to be back-dated, after federal recognition is granted, to the date at which his or her promotion was published by the state.

We ask that you provide an update on the implementation of Sec. 518 of the Fiscal Year 2019 National Defense Authorization Act (P.L. 115-232) and a summary of how the implementation of these provisions has impacted National Guard promotion timelines. Specifically, we would like to know how many times you have used Section 518 authority to back date promotions. We also ask that you report back on progress towards modernization and digitization of the legacy system and provide recommendations for additional changes to further ameliorate these promotion delays.

The men and women of the National Guard have played an instrumental role in COVID-19 response and recovery – supporting testing and contracting tracing, distributing personal protective equipment, operating food banks, and more. However, this pandemic has only exacerbated the promotion delays that have impacted officers of the National Guard. Junior officers are spending longer mobilizations and deployment under federal orders. When under federal orders, it takes additional time for the National Guard to provide the home state the federal service time required to fulfill a time in rank promotion. Why the National Guard delays in sending this information to the states is unknown. However, with no end in sight to the use of the National Guard in a federal capacity, these promotion delays will only continue to worsen.

As such, we believe that it is critical to better understand how Sec. 518 of the Fiscal Year 2019 National Defense Authorization Act (P.L. 115-232) has improved National Guard promotion timelines and what more can be done to address this issue.

We ask for your prompt response to these important questions by December 2, 2020 and stand ready to assist you in any way we can.

Sincerely,



Elissa Slotkin
Member of Congress



Elizabeth Warren
United States Senator



Steve Daines
United States Senator



Trent Kelly
Member of Congress